two partners executed a general assignment of firm property. In bankruptcy proceedings against the partnership and the individual partners, the partner not assenting to the assignment set up that his individual assets exceeded his individual debts. The property of the firm together with that of both partners was not sufficient to pay the firm debts. *Held*, that the non-assenting partner may be adjudged a bankrupt. *Yungbluth* v. *Slipper*, 185 Fed. 773 (C. C. A., Ninth Circ.).

This case is opposed to the generally approved rule that partners in a bankrupt firm cannot be adjudicated bankrupts if they have not committed or been participants in committing an act of bankruptcy. See *In re Meyer*, 98 Fed. 976, 980. This rule is a logical result of the entity theory of partnership in bankruptcy. *In re Hale*, 107 Fed. 432. But the courts fail to apply the entity theory consistently, holding that upon adjudging a firm bankrupt, the court may draw to the administration the individual estates of the partners. *Dickas* v. *Barnes*, 140 Fed. 849; *Francis* v. *McNeal*, 186 Fed. 481. Although illogical, the principal case accomplishes this result in a practical way and simultaneously provides for the partner's discharge.

BANKRUPTCY — PROPERTY PASSING TO TRUSTEE — DATE TO WHICH TRUSTEE'S TITLE RELATES BACK. — A bank, having on deposit moneys belonging to one against whom a petition in bankruptcy had been filed and having no actual notice of the filing, paid out money on checks delivered by the depositor to the payee previous to the filing of the petition. *Held*, that the bank may not be required, on summary order, to turn over to the trustee in bankruptcy the amount so paid out. *Matter of Zotti*, 26 Am. B. R. 234 (C. C. A., Second Circ.). See NOTES, p. 79.

BANKRUPTCY — PROPERTY PASSING TO TRUSTEE — LIENS WHICH ARE VOID AS TO CREDITORS. — A bankrupt gave a chattel mortgage which by the state (Ohio) law was void as to judgment creditors of the mortgagor, though good *inter partes*. The mortgagee claims his lien on the mortgaged property, now in the trustee's hands. *Held*, that the trustee takes the property free from the mortgage lien, having the right of a judgment creditor under § 47 *a* of the Bankruptcy Act as amended by the Act of June 25, 1910. *In re Hammond*, 26 Am. B. Rep. 336 (Dist. Ct. N. D. Ohio).

This construction of the amendment to § 47 *a* does away with the unfortunate rule of *York Mfg. Co.* v. *Cassell*, 201 U. S. 344. See 24 HARV. L. REV. 620. *Cf. In re Franklin Lumber Co.*, 26 Am. B. R. 37.

BANKRUPTCY — PROPERTY PASSING TO TRUSTEE — RIGHT OF ACTION FOR LIBEL. — The plaintiff, in an action for a libel concerning his credit, which caused him pecuniary damage, became bankrupt. *Held*, that the right of action did not pass to the trustee in bankruptcy. *Epstein* v. *Handverker*, 116 Pac. 789 (Okl.).

For a discussion as to what rights of action in tort should pass to the trustee in bankruptcy, see 24 HARV. L. REV. 396. The principal case seems correct, as the right of action in it arises not from injury to property, but from injury to reputation; and it is only an indirect effect of the tortious act to diminish the bankrupt's estate.

BILLS AND NOTES — PURCHASERS FOR VALUE WITHOUT NOTICE — RIGHT OF MAKER TO FUNDS OF WRONGDOER HELD BY PLAINTIFF. — The plaintiff, a holder in due course of a check wrongfully indorsed to him, had, at the time of bringing suit against the maker of the check, funds of the wrongdoer in its hands. *Held*, that the defendant cannot avail itself of these funds as a set-off. *Amalgamated Sugar Co.* v. *United States National Bank of Portland*, 187 Fed. 746 (C. C. A., Ninth Circ.).

For a discussion of the principles involved, see 24 HARV. L. REV. 665.